

REMARKS

This is intended as a full and complete response to the Final Office Action dated January 14, 2004, having a shortened statutory period for response set to expire on April 14, 2004. Please reconsider the claims pending in the application for reasons discussed below.

Substance Of Examiner Interview

The following is a summary of the substance of an interview with the Examiner conducted on March 10th with the Examiner and Applicants' representative (Randol W. Read).

Examiner's Office Action (dated January 14th, 2004) was addressed for clarity as to Examiner's statement that the previously filed response lacked arguments. Applicants explained that a Response dated August, 25th, 2003 did contain arguments and Examiner stated that these may have been considered and that the Examiner's statement may have been erroneously included in the response.

Amendments to the claims were also discussed and subsequently agreed upon. Applicants have amended the claims in this response accordingly.

Election/Restrictions

The Examiner states that newly submitted claims 67-76 are directed to an invention that is independent or distinct from the invention originally claimed and presented. Applicants acknowledge the constructive election by original presentation the previous claims. However, Applicants submit that, as claims 67-76 and claims 25-46 are directed to sensing flow based on signals indicative of speed of sound in fluid flowing in a pipe and local pressure variations traveling in fluid flowing in a pipe, search and examination of the entire application can be made without serious burden, even though the claims may be directed to distinct inventions. Accordingly, Applicants respectfully request reconsideration and withdrawal of the Restriction Requirement and reinstatement of the claims withdrawn.

Claim Rejections - 35 USC § 103

Claims 25-26 and 30-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Berthold et al.* (U.S. Patent No. 5,845,033) in view of *Kluth* (U.S. Patent No. 5,804,713). Applicants submit that the *Berthold et al.* and *Kluth*, neither separately nor in combination, teach, show, or suggest apparatus for sensing fluid flow based on signals indicative of speed of sound in the fluid and pressure variations in the fluid that travel at approximately a same velocity as the fluid, as claimed in independent claim 25 and the claims that depend therefrom. Accordingly, Applicants request removal of this rejection with respect to these claims.

Claims 27-29, 47 and 49-51 are rejected as being unpatentable over *Berthold et al.* and *Kluth* in further view of *Layton* (U.S. Patent No. 5,363,342). Applicants submit, however, that the *Berthold et al.*, *Kluth*, and *Layton* neither separately nor in combination, teach, show, or suggest apparatus for sensing fluid flow based on signals indicative of speed of sound in the fluid and pressure variations that travel with the fluid, as claimed in independent claim 47 and the claims that depend therefrom. Further, Applicants submit that claims 27-29 are patentable over *Berthold et al.* and *Kluth*, as described above and that the teachings of *Layton* do not affect their patentability. Accordingly, Applicants request removal of this rejection with respect to these claims, as well.

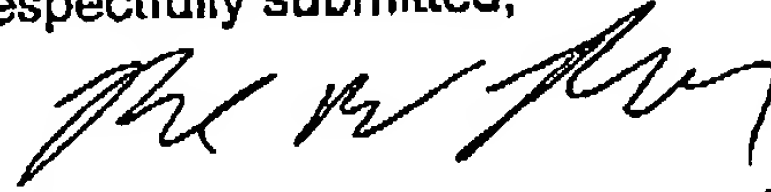
Response to Arguments

As discussed in the Examiner Interview, summarized above, Applicants response filed 25 August 2003 contains arguments directed towards cited references that were not addressed in the office action.

Conclusion

Having addressed all issues set out in the Final Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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